

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Daniel James Winarski, Robert George Emberty, Craig Anthony Klein,
Nils Haustein

Assignee: International Business Machines Corporation

Title: Write-Once Read-Many Hard Disk Drive Using a Worm Pointer

Serial No.: 10/824,901 Filing Date: April 14, 2004

Examiner: Daniel Tsui Group Art Unit: 2185

Docket No.: TUC920040009US1 Customer No.: 65384

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 CFR § 41.41

Dear Sir:

Applicants submit this Reply Brief pursuant to the Examiner's Answer mailed in this case on July 10, 2008. It is believed that no fees are due in connection with the filing of this Reply Brief, however, the Commissioner is authorized to deduct any amounts required for this Reply Brief and to credit any amounts overpaid to Deposit Account No. 090449.

In response to Applicants arguments, the Examiner sets forth:

Appellant's first point of argument is that Basham does not teach a "WORM pointer." Appellant has not provided any limitations in the claim or any arguments that would distinguish the claimed "WORM pointer" from the append limiter taught by Basham. Because the Examiner is required to give the broadest reasonable interpretation to the claim language, the Examiner contends the append limiter taught by Basham is a "WORM" pointer as it points to an area in the storage media where data is designated as WORM and therefore unchangeable and another area where data can still be written to. Furthermore, this WORM pointer provides an inventory of locations where WORM data can be written because all regions after the append limiter can be written to and thus can be considered "an inventory of locations where WORM data can be written" (Examiner's Answer, Pages 8-9).

The specification clearly discusses and provides context for the term WORM pointer as used in the claims. For example, the specification sets forth that Write-Once Read Many (WORM) techniques are employed to store data sets onto storage media in an archival format that cannot be altered. (See e.g., Winarski Application, ¶ 0003.) Also for example, when discussing the actual WORM pointer, the specification sets forth that the WORM pointer represents the first rewritable Logical Block Address (LBA) on a disk. (See e.g., Winarski Application, ¶ 00045.)

Appellant also argues that the combination of Basham, Sokolov, and Mimatsu does not teach receiving a first inquiry command from a host computer and sending a device type to the host computer as required by claims 9 and 31. In response, Examiner points out that the referenced section of Mimatsu applied in the rejection above teaches device type information being sent in response to an inquiry command. Therefore, it would have been obvious to combine this teaching with the teachings of Basham and Sokolov that the host can configure the system appropriately and to send the WORM point in response to the second inquiry after the system has been configured. This would teach the limitations of the claim (Examiner's Answer, Page 9).

However, it is respectfully submitted that in response to receiving a first inquiry command from a host computer, sending a device type to the host computer, as required by claim 9 and 31, is patentably distinct from device type information being sent in response to an inquiry command as disclosed by Mimatsu. Additionally, it is respectfully submitted that in response to receiving a second inquiry command from the host computer, sending a worm pointer to the host computer as required by claims 10 and 32, is patentably distinct from device type information being sent in response to an inquiry command as disclosed by Mimatsu.

For the above reasons, Applicants respectfully submits that the Examiner's rejections of Claims 1-10 and 13-32 are unfounded and should be reversed.

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on September 9, 2008.

/Stephen A. Terrile/

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Respectfully submitted,

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